

## II. Remarks/Arguments

Claims 1–14 and 54–62 were previously pending. Claims 63–66 have been added. Reconsideration of presently pending claims 1–14 and 54–66 is respectfully requested in light of the above amendments and the following remarks.

The Examiner's indication of allowance for claim 14 is appreciated.

### §102 Rejections

**Claims 1-13 and 54-62** stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication 2005/0228500 to Kim et al. ("Kim"). The PTO provides in MPEP § 2131 that "*[t]o anticipate a claim, the reference must teach every element of the claim....*"

Therefore, to sustain the rejection of these claims Kim must teach all of the claimed elements of each claim.

With respect to amended independent claim 1, however, Kim at least fails to disclose "at least one retention member having a first end and an engagement portion, the first end attached to a portion of the end member, the engagement portion moveable the at least one retention member **rotatable** between a first position wherein the engagement portion is positioned outside of the socket for allowing the portion of the prosthetic insertion device to slide within the socket and a second position wherein the engagement portion is positioned at least partially within the socket to inhibit sliding of the portion of the prosthetic insertion device within the socket." The gear teeth 52 of Kim are clearly not rotatable as required by claim 1. Therefore, for at least this reason Kim fails to teach all of the claimed elements of claim 1. Claims 2-13 depend from and further limit independent claim 1 and, therefore, Kim fails to teach all of the claimed elements of claims 2-13 for at least the same reasons. Thus, Applicants respectfully request that the Examiner withdraw the §102(e) rejection of claim 1-13.

Further, with respect to dependent claims 2 and 3, Kim at least fails to disclose "wherein the at least one retention member comprises at least one cam device." The gear teeth 52 of Kim are clearly not a rotatable cam device as required by claims 2 and 3. Therefore, for at least this additional reason Kim fails to teach all of the claimed elements of claims 2 and 3. Further, with respect to dependent claim 3, Kim also fails to disclose "an access hole for selectively rotating

the retention member between first position and the second position.” Thus, Applicants respectfully request that the Examiner withdraw the §102(e) rejection of claims 2 and 3.

With respect to amended independent claim 54, Kim at least fails to disclose “a pair of retaining members positioned adjacent the elongated slots and moveable between a first position for allowing the prosthetic insert to slide within the pair of elongated slots and a second position for limiting the motion of the prosthetic insert, **wherein the retaining members are aligned substantially transverse to a plane extending substantially along and between the pair of elongated slots when in the first position, and wherein the retaining members are aligned substantially parallel to the plane when in the second position.**” Kim does not teach such a limitation. Therefore, for at least this reason Kim fails to teach all of the claimed elements of claim 54. Claims 55-62 depend from and further limit independent claim 54 and, therefore, Kim fails to teach all of the claimed elements of claims 55-62 for at least the same reasons. Thus, Applicants respectfully request that the Examiner withdraw the §102(e) rejection of claim 54-62.

Further, with respect to dependent claims 55-57, Kim at least fails to disclose “wherein at least one of the pair of retaining devices comprises a cam device.” The gear teeth 52 of Kim are clearly not a rotatable cam device as required by claims 2 and 3. Therefore, for at least this additional reason Kim fails to teach all of the claimed elements of claims 55-57. Further, with respect to dependent claim 56, Kim also at least fails to disclose “wherein the cam device is rotatable between the first position and the second position.” Also, with respect to dependent claim 57, Kim at least fails to disclose “an access hole for selectively rotating the retention member between first position and the second position.” Therefore, for at least these additional reasons Applicants respectfully request that the Examiner withdraw the §102(e) rejection of claims 55-57.

### **New Claims**

New claims 63-66 have been added and include limitations that Kim fails to teach. For example, as discussed above Kim at least fails to teach having “at least one retention member having a first end and an engagement portion, the first end attached to a portion of the end member, the at least one retention member selectively rotatable between a first position wherein the engagement portion is positioned outside of the first socket for allowing the first portion of

the prosthetic insert to slide within the first socket and a second position wherein the engagement portion is positioned at least partially within the first socket to inhibit sliding of the first portion of the prosthetic insert within the first socket.” Kim also fails to disclose the use of “a tool receiving aperture for accessing the at least one retention member; and a tool having a working end sized to fit at least partially within the tool receiving aperture of the end member, wherein the tool is adapted to selectively rotate the at least one retention member between the first position and the second position.” Applicants believe that the newly added claims 63-66 are in condition for allowance.

**Conclusion**

It is clear from the foregoing that all pending claims are in condition for allowance. An early notice of allowance of claims 1-14 and 54-66 is respectfully requested. Should the Examiner deem that any further amendment is necessary to place this application in condition for allowance, the Examiner is invited to contact the undersigned attorney at the below listed telephone number.

Respectfully submitted,




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